



Dkt. No. 66600-AA/JPW/GJG/ACK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Claudine S. Ashvar et al.
Serial No. : 10/612,768
Filed : July 1, 2003
For : LIPOSOMAL BENZOQUINAZOLINE THYMIDYLATE
SYNTHASE INHIBITOR FORMULATIONS

1185 Avenue of the Americas
New York, New York 10036
October 22, 2003

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

COMMUNICATION IN RESPONSE TO OCTOBER 17, 2003 NOTICE TO FILE
CORRECTED APPLICATION PAPERS

This Communication is submitted in response to an October 17, 2003 Notice To File Corrected Application Papers issued by the United States Patent and Trademark Office in connection with the above-identified application. A response to the October 17, 2003 Notice is due December 17, 2003. Accordingly, this Communication is being timely filed.

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The October 17, 2003 Notice To File Corrected Application Papers required an abstract of the technical disclosure not exceeding 150 words in length and commencing on a separate sheet in compliance with 37 CFR 1.72(b), and alleged that an abstract had not been provided for the subject application. Applicants attach hereto a copy of the Notice as **Exhibit A**.

In response, applicants submit as **Exhibit B** hereto a copy of the postcard receipt bearing the stamp of the U.S. Patent Office mailroom indicating that an Abstract was filed with the subject application on July 1, 2003 and was received by the U.S. Patent Office Mailroom.

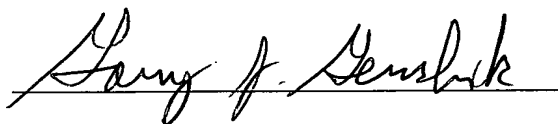
However, because the U.S. Patent Office appears to not have the Abstract as indicated in the October 17, 2003 Notice, applicants attach as **Exhibit C** a copy of the Abstract in connection with the subject application.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone at the number provided below.

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No fee is deemed necessary in connection with the filing of this Communication. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

 10/22/03

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Conclusion

The applicant respectfully submits that, in view of the above facts, the holding of abandonment should be withdrawn under MPEP § 711.03(c)(II) and *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971). *See also*, "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993). Accordingly, the applicant respectfully requests that the Patent Office withdraw its holding of abandonment and mail a new Notice of Allowance for the Application.

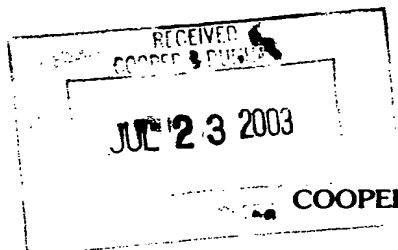
Respectfully submitted,

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Applicant Claudine S. Ashvar *et al.*
Client OSI (1919) File No. 66600-AA Atty. JPW/GJG/ACK
Date July 1, 2003

Kindly acknowledge receipt of the accompanying

Continuation Application Under 37 C.F.R. §1.53(b) of Claudine S. Ashvar *et al.*, U.S. Serial No. 09/875,713, filed June 6, 2001 for LIPOSOMAL BENZOQUINAZOLINE THYMIDYLATE SYNTHASE INHIBITOR FORMULATIONS, including Specification (pgs 1-39), Tables (pgs 41-70), Claims (pgs 71-79), Abstract (pg 40), Figures (5 Sheets), Transmittal Letter in Triplicate, Preliminary Amendment including **Exhibit 1** and Information Disclosure Statement including **Exhibit A** (Form PTO-1449) and **Exhibit B**, a copy of Combined Declaration and Power of Attorney, a copy of Revocation of Power of Attorney and Appointment of New Attorneys and Notice of Change of Address (including **Exhibits A and B** to the Revocation), a check in the amount of \$750.00 and an Express Mail Certificate of Mailing bearing Label No. EV 325 703 357 US, dated July 1, 2003.

by placing your receiving date stamp hereon and returning to us.